

## U.S. Department of Justice



*United States Attorney  
Western District of Pennsylvania*

*Federal Courthouse  
Room A330  
17 South Park Row  
Erie, Pennsylvania 16501-1158*

814/452-2906

July 13, 2006

Gene P. Placidi, Esquire  
502 West Seventh Street  
Erie, Pennsylvania 16502

Re: United States of America v.  
ISAIAH LUTHER MERCER  
Criminal No. 03-19 Erie



Dear Mr. Placidi:

This letter sets forth the agreement by which your client, ISAIAH LUTHER MERCER, will enter a plea of guilty in the above-captioned case. The letter represents the full and complete agreement between ISAIAH LUTHER MERCER and the United States Attorney for the Western District of Pennsylvania. The agreement does not apply to or bind any other federal, state, or local prosecuting authority.

Upon entering a plea of guilty, ISAIAH LUTHER MERCER will be sentenced under the Sentencing Reform Act, 18 U.S.C. §3551, et seq. and 28 U.S.C. §991, et seq. The Sentencing Guidelines promulgated by the United States Sentencing Commission will be considered by the Court in imposing sentence. The facts relevant to sentencing shall be determined initially by the United States Probation Office and finally by the United States District Court by a preponderance of the evidence.

A. The defendant, ISAIAH LUTHER MERCER, agrees to the following:

1. He will enter a plea of guilty to Count One of the Indictment at Criminal No. 03-19 Erie, charging him with violating Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(iii), pursuant to Rule 11 of the Federal Rules of Criminal Procedure.

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2. If the Court imposes a fine or restitution as part of a sentence of incarceration, ISAIAH LUTHER MERCER agrees to participate in the United States Bureau of Prisons' Inmate Financial Responsibility Program, through which 50% of his prison salary will be applied to pay the fine or restitution.
3. At the time ISAIAH LUTHER MERCER enters his plea of guilty, he will deposit a special assessment of \$100 in the form of cash, or check or money order payable to "Clerk, U.S. District Court". In the event that sentence is not ultimately imposed, the special assessment deposit will be returned.
4. ISAIAH LUTHER MERCER waives the right to take a direct appeal from his conviction or sentence under 28 U.S.C. §1291 or 18 U.S.C. §3742, subject to the following exceptions:
  - (a) If the United States appeals from the sentence, ISAIAH LUTHER MERCER may take a direct appeal from the sentence.
  - (b) If (1) the sentence exceeds the applicable statutory limits set forth in the United States Code, or (2) the sentence unreasonably exceeds the guideline range determined by the Court under the Sentencing Guidelines, ISAIAH LUTHER MERCER may take a direct appeal from the sentence.

The foregoing reservations of the right to appeal on the basis of specified issues do not include the right to raise issues other than those specified.

ISAIAH LUTHER MERCER further waives the right to file a motion to vacate sentence, under 28 U.S.C. §2255, attacking his conviction or sentence, and the right to file any other collateral proceeding attacking his conviction or sentence.

B. In consideration of and entirely contingent upon the provisions of Parts A and C of this agreement, the United States Attorney for the Western District of Pennsylvania agrees to the following:

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1. The United States Attorney retains the right of allocution at the time of sentencing to advise the sentencing Court of the full nature and extent of the involvement of ISAIAH LUTHER MERCER in the offense charged in the Indictment and of any other matters relevant to the imposition of a fair and just sentence.
2. Prior to sentencing, the United States Attorney will, orally or in writing, move that, pursuant to §3E1.1 of the Sentencing Guidelines, the Court reduce the offense level by 3 levels for acceptance of responsibility, on the grounds that the offense level prior to application of §3E1.1 is 16 or greater, and ISAIAH LUTHER MERCER timely notified authorities of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the Court to allocate its resources efficiently.
3. The United States Attorney will take any position she deems appropriate in the course of any appeals from the sentence or in response to any post-sentence motions.

C. ISAIAH LUTHER MERCER and the United States Attorney further understand and agree to the following:

1. The penalty that may be imposed upon ISAIAH LUTHER MERCER is:
  - (a) A term of imprisonment of not less than ten (10) years to a maximum of life;
  - (b) A fine of \$250,000;
  - (c) A term of supervised release of at least five (5) years;
  - (d) A special assessment under 18 U.S.C. §3013 of \$100.
2. This agreement does not preclude the government from pursuing any civil or administrative remedies against ISAIAH LUTHER MERCER or his property.

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This letter sets forth the full and complete terms and conditions of the agreement between ISAIAH LUTHER MERCER and the United States Attorney for the Western District of Pennsylvania, and there are no other agreements, promises, terms or conditions, express or implied.

Very truly yours,



MARY BETH BUCHANAN  
United States Attorney

I have received this letter from my attorney, Gene P. Placidi, Esquire, have read it and discussed it with him, and I hereby accept it and acknowledge that it fully sets forth my agreement with the Office of the United States Attorney for the Western District of Pennsylvania. I affirm that there have been no additional promises or representations made to me by any agents or officials of the United States in connection with this matter.



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ISAIAH LUTHER MERCER



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Date

Witnessed by:



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GENE P. PLACIDI, ESQUIRE  
Counsel for ISAIAH LUTHER MERCER